



THE PUBLIC HEALTH (EMERGENCY PROVISION) ORDINANCE, 1944



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THE PUBLIC HEALTH (EMERGENCY PROVISIONS) ORDINANCE, 1944

¹ORDINANCE No. XXI OF 1944.

[20th May, 1944]

An Ordinance to make special provisions in regard to public health.

WHEREAS an emergency has arisen which renders it necessary to make special provision for preventing the spread of human disease, safeguarding the public health and providing and maintaining adequate medical services and other services essential to the health of the community;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :-

¹The Ordinance has been applied to-Baluchistan, see Notification No. 34-W, dated the 21st June, 1944, Gazette of India, 1944, Pt. I, p. 826;
The Ordinance has been extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G. O. 3 of 1950).

1. Short title extent, and commencement.— (1) This Ordinance may be called the Public Health (Emergency Provisions) Ordinance, 1944.

¹[(2) It extends to the whole of Pakistan].

(3) It shall come into force at once.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “appropriate Government” means in relation to cantonment authorities and to port authorities in major ports, the ²[Federal Government], and in relation to all other local authorities, the Provincial Government;
- (b) “local area” means the area within which a local authority exercises its functions ;
- (c) “local authority” in this section and sections 7 to 10 and 14 includes, any body, whether incorporated or not, engaged in providing a supply of water;
- (d) “medical establishment” means establishment employed in connection with the provision of medical services;
- (e) “public health services” and “public health establishment” include respectively sanitary, water-supply, vaccination, sewage disposal, drainage and conservancy services and establishment maintained for the purposes of such services, and any other service or establishment of a local authority which the appropriate Government may by notification in the official Gazette declare to be a public health service or public health establishment for any purpose of this Ordinance;
- (f) “purpose of this Ordinance” includes the purposes of ensuring the provision of adequate medical services, of preventing the spread of human disease, of safeguarding the public health and of providing or maintaining services essential to the health of the community.

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A. O., 1949.

²Subs. by F.A.O., 1975, Art.2 and Table., for “Central Government”.

3. Power to require local authorities to take health measures.—(1) The appropriate Government may by order in writing require any local authority to take within such period as may be specified in the order such measures as may be so specified, being measures which are in the opinion of that Government necessary for any purpose of this Ordinance; and thereupon it shall be the duty of the local authority to comply with the order within the specified period.

(2) If in the opinion of the appropriate Government a local authority which has been ordered under sub-section (1) to take any measures has failed to take, or is unlikely to complete, such measures within the period specified in the order, the appropriate Government may, without prejudice to any other action which may be taken under this Ordinance, authorise any person to take or complete, as the case may be, the said measures; and the person so authorised may for the purpose exercise all or any of the powers of the local authority or of any committee or officer of the local authority conferred by or under any law for the time being in force, issue such directions as he thinks fit to the officers or servants of the local authority, and if he finds it necessary or expedient so to do, employ any outside agency.

(3) All charges and expenses incurred by a local authority in complying with an order under sub-section (1) or by a person authorised under sub-section (2) shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.

4. Powers to appoint additional health staff.— (1) The appropriate Government may, if it considers it necessary for any purpose of this Ordinance, appoint in any local area additional medical or public health establishment to perform such duties and exercise such functions as the appropriate Government may direct.

(2) Such additional establishment shall, unless and to such extent as the appropriate Government otherwise directs, be under the control of the appropriate Government, but its salaries and allowances or any specified portion thereof shall, if the appropriate Government so orders, be paid out of the funds of the local authority.

5. Power of superintendence.— (1) The appropriate Government may, if it considers it necessary for any purpose of this Ordinance, by order in writing assume the superintendence of all or any of the medical and public health services of any local authority.

(2) Upon the assumption of superintendence under sub-section (1),—

- (a) the appropriate Government may by order in writing specify the scale of the medical or public health establishment concerned to be maintained by the local authority, the qualifications to be required for appointment to posts in such establishment, and the pay and other conditions of service of such establishment;
- (b) the powers of appointment, dismissal and punishment of, and grant of leave to, members of such establishment shall vest in such authority as the appropriate Government may appoint in this behalf ;